

PATENT
Attorney Docket No.: A-63761-1/RFT/RMS/RMK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kayyem et al.

Serial No. 08/873,978

Filed: June 12, 1997

For: *Electrodes Linked Via Conductive
Oligomers to Nucleic Acids*

Examiner: A. Marschel

Group Art Unit: 1631



RECEIVED

MAR 06 2001

TECH CENTER 1600/2900

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:
Assistant Commissioner of Patents, Washington, DC 20231 on 2/26/01.

Signed: Jere Valles

Jere Valles

H
29

TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Clinical Micro Sensors, Inc. represents that it is the assignee of the entire right, title, and interest of: 1) Patent Application Serial No. 08/873,978, as above-identified; and 2) U.S. Patent No. 6,096,273, issued August 1, 2000. Patent Application Serial No. 08/873,978 is a continuing application of U.S.S.N. 08/743,798, filed November 5, 1996, now U.S. Patent No. 6,096,273, issued August 1, 2000. Patent No. 6,096,273 issued from U.S.S.N. 08/743,798, filed November 5, 1996. Written assignment proof of each assignment is recorded in the United States Patent and Trademark Office for the instant application at Reel/Frame 10225/0660; and for Patent No. 6,096,273 at Reel/Frame 8757/0001.

Clinical Micro Sensors, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the full statutory term defined in 35 U.S.C. §§154-156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,096,273. Clinical Micro Sensors, Inc. hereby agrees that any patent so granted on the instant application shall be enforceable only for and

02/07/2001 PTACOPS 00000001 061300 00873978

01 FC:248 55.00 CH

Serial No.:08/873,978

Filed: June 12, 1997

during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154-156 and 173 of prior Patent No. 6,096,273 as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is authorized to act on behalf of and as a representative and petitioner of the assignee, Clinical Micro Sensors, Inc., has caused a review of the evidentiary documents referred to in the present Terminal Disclaimer in the chain of title of the present application and patent identified above, and it is certified that, to the best of assignee's knowledge and belief, title is in the assignee, Clinical Micro Sensors, Inc., identified above.

Dated: 2/21/2001

By: Gary F. Blackburn
Gary F. Blackburn, Ph.D.

Four Embarcadero Center
Suite 3400
San Francisco, CA 94111-4187
(415) 781-1989
(415) 398-3249

1044138.hpw